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**REJECTED**

10 Attorneys for Respondent

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13  
14 **TONY MABRY,**

Petitioner,

15 v.

16 **L.E. SCRIBNER, WARDEN, ET AL.,**

17 Respondent.

18 08-CV-0965 BEN (LSP)

19 **RESPONDENT'S NOTICE OF  
MOTION AND MOTION TO  
DISMISS; SUPPORTING  
MEMORANDUM OF POINTS  
AND AUTHORITIES**

20 Judge: The Honorable Leo S.  
21 Papas

22 **TO TONY MABRY, IN PRO PER:**

23 **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. § 2254 and Rule 4 of the Rules  
24 Governing § 2254 cases in the United States District Courts, Respondent moves the Court for an  
25 order dismissing the above-entitled action on the ground that: (1) Petitioner did not exhaust his state  
26 court remedies; (2) Petitioner filed an untimely Petition beyond the one-year statute of limitations;  
27 and (3) the Petition is unsupported by sufficient facts, is vague, conclusory, and unintelligible. This  
motion is based on the notice and motion; the supporting memorandum of points and authorities and  
exhibits; and the pleadings, records, and files in this action.

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